

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

<u>LAURIE GILBERT,</u>)	
Plaintiff,)	
)	
v.)	Civil Action No. 05-10746-RWZ
)	
<u>JOHN HEGGARTY and TIMOTHY DUBE,</u>)	
Defendants.)	

PROPOSED VOIR DIRE QUESTIONS OF DEFENDANTS,
JOHN HEGGARTY AND TIMOTHY DUBE

1. This is a suit against two (2) Lawrence, Massachusetts police officers, John Heggarty and Timothy Dube, in which the Plaintiff, Laurie Gilbert, claims that the Defendants violated her constitutional rights by stopping and searching her vehicle without probable cause, arresting her without probable cause, initiating a false criminal complaint against her, and using excessive force against her. John Heggarty and Timothy Dube state that they had probable cause to stop Ms. Gilbert's vehicle, that there was probable cause to search Ms. Gilbert's vehicle, that there was probable cause to arrest Ms. Gilbert, that there was probable cause to initiate criminal proceedings against Ms. Gilbert, and that they did not use excessive force against Ms. Gilbert..
2. Is there anyone here who would prefer not to sit on a jury concerning a case of this kind?
3. Do you know or have you read anything or heard anything about this case, the Plaintiff or the Defendants or any of the lawyers involved in the case?
4. Laurie Gilbert lives in Belmont, New Hampshire. Do any of you, or does anyone close to you, know Ms. Gilbert or any member of her family?

5. Are you, a member of your family or any close friend or acquaintance employed by the Lawrence Police Department or the City of Lawrence?
6. This case involves alleged incidents between police officers and a citizen. How do you feel about police officers in general?
7. Are you, a member of your family or any close friend or acquaintance a police officer?
8. Have you, or anyone close to you, ever file a suit against any police officer(s)? What was the disposition of your suit?
9. Do you agree or disagree with this statement: police officers have been given too much power.
10. Have you, a member of your family, or any close friend ever filed a suit against a police officer for use of excessive force?
11. Have you, a member of your family, or any close friend ever filed a suit against a police officer for use of an improper arrest?
12. Have you, your spouse, family members or any close friends ever filed a citizen's complaint against a police officer?
13. The Defendants in this case are members of the Lawrence Police Department. Do you have any opinions about the Lawrence Police Department?
14. Have you, a member of your family or any close friend or acquaintance ever been sued?
15. Have you, a member of your family or any close friend or acquaintance ever claim to have been mistreated by a police officer?
16. Do you or do any of your family or close friends suffer from fibromyalgia?

17. Are any of you acquainted in any way with any other prospective juror in this case?
18. Do you know anybody else here in the courtroom or at the courthouse?
19. Do you know any of the following individuals: Laurie Gilbert, Gregory Gilbert, Timothy Dube, John Heggarty, Alan Andrews, Daniel Fitzpatrick, Carlos Cuerva, Michael Montecarvo, Brenda Bartlett, Richard Foley, Matthew Dwyer, or Kathleen Pennini?
20. Would you be willing to not award money if you believed the plaintiff sustained no loss?
21. Would you tend to favor one side or the other in this case without regard to the evidence which may be presented?
22. Does anyone think that because the plaintiff has brought this lawsuit the defendants must have done at least something wrong?
23. Is there anyone here who thinks that everyone who files a lawsuit is entitled to an award from a jury?
24. In this case, you are going to hear conflicting testimony. That is, you will hear disagreements between witnesses. Part of your duty as a juror is to determine a person's credibility. You will have to decide for yourself, who is honest, who is convincing, who is trustworthy. How do you feel about having to decide what the truth really is?
25. Have you ever been in the position of having to decide whom to believe when told directly conflicting stories?

26. Is there anything about your previous experiences on a jury, or even being involved with the panel and being subjected to questioning by the court and lawyers, that makes you feel that you would rather not sit on a jury again?
27. Is there anything in particular that you do not like about our judicial system, whether it with the courts themselves or the lawyers or even service on a jury?
28. From what little you know about this case at this point in time, would you like to serve on this jury? Why or why not?
29. Is there anyone here, who, for any reason, would like to hear any of the questions again? Would anyone like to have a particular question repeated in private?
30. Is there any reason you cannot reach a verdict in this case based only on the facts and the law?

Respectfully Submitted,
For the Defendants,
JOHN HEGGARTY and
TIMOTHY DUBE,
By their attorney,

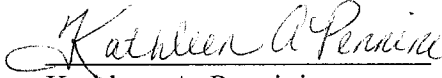


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CERTIFICATE OF SERVICE

I, Kathleen A. Pennini, do hereby certify that a true copy of the foregoing document has been served via electronic filing and first class mail, postage prepaid, this 30th day of August 2006, upon:

Richard N. Foley, Esquire
414 State Street
Portsmouth, NH 03801


Kathleen A. Pennini

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